

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 04-10286-PBS
	)	
v.	)	
	)	
	)	
MICHAEL W. ALCOTT,	)	
Defendant	)	
	)	

**UNITED STATES' MOTION FOR ADDITIONAL TIME TO  
RESPOND TO 2255 PETITION**

The United States hereby moves for an extension of 10 days, or until March 7, 2008, to respond to the petition in this matter. As grounds for this motion, the United States says as follows:

1. On March 30, 2006, this Court sentenced Petitioner Michael Alcott ("Petitioner" or "Alcott") to 92 months imprisonment, inter alia, following his plea of guilty to various offenses, including bank fraud and extortion in violation of 18 U.S.C. § 1952 (Travel Act).
2. On February 7, 2008, Alcott filed a petition (the "Petition") under 28 U.S.C. § 2255 requesting reduction of his current sentence of imprisonment from 92 months to 70 months, inter alia. On February 7, 2008, the Court issued an order that the United States file an answer or response within 20 days, making the answer or other responsive pleading due February 27, 2008.
3. The undersigned AUSA received the Petition on or about February 10, 2007. From February 10, 2008 through February 15, 2008, the undersigned AUSA was preparing and filing a brief in the First Circuit in a separate matter, United States v. George Schussel, First Cir. No. 07-2095. The undersigned AUSA also had a sentencing in another matter, United States v. Robert Felleman, et al., 05-cr-10267-DPW on February 15, 2008. The following week, which

was the Massachusetts public school vacation week, the undersigned AUSA was out of the office all but two days.

4. In addition, on February 21, 2008, the Court, in response to a Motion for Release of Brady Materials, ordered the United States to inform the Court whether it had ever seen an e-mail Alcott claims he sent to the victim of his extortion scheme. The United States recalled its file on Alcott from storage. An initial review revealed no such e-mail in the United States' file. On or about February 21, 2008, the United States contacted the FBI to determine whether such an e-mail exists in the FBI files. The FBI has not yet confirmed whether such an e-mail exists in its files. The United States needs additional time to confirm from the FBI whether such an e-mail exists in the FBI's files. With the additional time the United States requests, the United States will be in a position to address that issue in its response to the Petition.

5. The United States therefore needs the additional time to address adequately the issues raised in the Petition.

6. Petitioner will suffer no prejudice from the requested extension since, even if the Court were to grant him the relief he seeks, he will remain imprisoned for at least another 36 months.

WHEREFORE, the United States requests that the Court extend the date for the United States to respond to the Petition to March 7, 2008.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Jack W. Pirozzolo  
JACK W. PIROZZOLO  
Assistant U.S. Attorney  
U.S. Attorney's Office  
U.S. Courthouse, Suite 9200  
1 Courthouse Way  
Boston, MA 02210

Date: February 26, 2008

**CERTIFICATE OF SERVICE**

I, Jack W. Pirozzolo, hereby certify that on February 26, 2008, I served a copy of the foregoing document by mail on the petitioner.

/s/ Jack W. Pirozzolo  
JACK W. PIROZZOLO  
Assistant U.S. Attorney